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FEDERAL COMMUNICATIONS COMMISSION
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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Amendment of Part 22 of the Commission's
Rules to enable a cellular telephone user
effective and reliable access to 911 service

)
)
) CC Docket No.
) 94-102
)

**SUPPLEMENTAL REPLY COMMENTS OF THE
AD HOC ALLIANCE FOR PUBLIC ACCESS TO 911**

The Ad Hoc Alliance for Public Access to 911 ("the Alliance") hereby submits this supplement to its Reply Comments filed with the Commission on January 3, 1996 pursuant to FCC notices DA96-1 and DA96-2. The Alliance has requested a three week extension to respond to any comments that it had not received and could not retrieve from the Commission files because of the Government shut down. This supplement addresses the comments filed by Alan Dixon ("Dixon"), GTE Mobilnet ("GTE"), and the Rural Cellular Association ("RCA"). The Alliance did not receive service copies¹ of these comments and was not able to obtain copies of the comments from the Federal Communications Commission files before now.²

¹ It is noted that the GTE and RCA certificates of service show that copies of their Comments were sent to the Alliance on December 15, 1995 however, these copies were not received.

² Copies were obtained through ITS on January 23, 1996.

Dixon is a user of cellular telephone service, GTE is one of the three largest cellular telephone carriers and RCA is a trade association of rural cellular telephone carriers. Dixon states that "I have read reports of roamer subscribers being denied 911 access, *as well as experiencing this firsthand.*"³ (Emphasis added.) He supports the Alliance petition except he would not require scanning of both the A and B side if there is "a patent signal on the subscriber's preferred band."⁴ GTE supports "a rule provision requiring 911 access to all handsets without regard to service initialization."⁵ RCA would limit access to 911 service to "subscribers to their cellular systems."⁶

Considering the comments in this proceeding, clearly cell telephone service is a growing and essential part of the 911 system. Unfortunately some cell carriers have found a way to profit from this situation by blocking 911 calls from non-subscribers. Blocking causes some people to pay for limited access to the 911 system by subscribing to an expensive special security service from the cell carriers.

³ Dixon Comments, page 1.

⁴ Dixon Comments, page 2.

⁵ GTE Comments, page 2.

⁶ RCA Comments, page 8.

The incremental "costs" to the cell carriers of providing 911 service to non-subscribers is minimal

RCA argues that the "cost" which will be incurred by reason of approval of the Alliance proposal includes the lost "profits" from people who might not subscribe to cellular service if access to the 911 system was not blocked.⁷ This same argument has been made in different forms by other cell carriers and their trade associations in this proceeding. There is little, if any, incremental cost associated with handling a 911 call by a cell carrier. It should be very clear therefore, that the argument in this proceeding about "cost" means potential lost profits -- not out of pocket costs.

The Alliance has no objection to the recovery of true costs or the payment of such costs from a user fund. The Alliance does however, object to the payment of profits that are essentially attributable to the use of the public's airwaves. The cell carriers have received the use of billions of dollars worth of the public's airwaves for free. The Alliance believes that free use of the public's airwaves carries with it a public service obligation to provide unencumbered and unrestricted use of the public's airwaves by the public for emergency 911 service.

The blocking of 911 calls is contrary to the public interest and morally wrong. Such actions cannot be justified by self

⁷ RCA states that "the Alliance's proposals would result in costs caused by non-subscribers." What RCA is really talking about is their fear that they may lose some "customers who subscribe to cellular service mainly for its availability in emergency situations". RCA Comments, page 4.

serving statements, such as RCA's, that their members have a "strong sense of civic responsibility."⁸ In fact, the RCA's comments make it clear that their members sense of civic responsibility is limited to their paying customers -- not their community or the public at large. This notion of "responsibility" to one's community would not pass muster in any civics class. As the Alliance has pointed out before, even those customers who pay a monthly charge of \$25, or more, for the so-called "safety and security" programs promoted by cell carriers for ready access to the 911 system are likely to be misled. Clearly they do not understand that they may not receive such emergency service (1) if they travel outside of their service area or (2) if they are in a location within their service area where their cell phone is swamped by the signal of the competing carrier or (3) if the only usable signal is from the competing carrier. These carrier programs are not motivated by civic responsibility, but rather by the cell carriers own self interest. For the cell carriers to claim otherwise, and some do, is a travesty. A good lesson in civic responsibility is shown by GTE, whose comments show a clear understanding of its public service obligations and an unwillingness to profit by denial of emergency service.

⁸ RCA Comments, page 4.

Scanning both the A and B cell systems for the strongest signal is a critical component of the Alliance proposal

Dixon and RCA, for different reasons, oppose the Alliance proposal that all cell phones sold in the future be programmed to scan both A and B cell systems to select the strongest signal for 911 calls. Dixon states that this scanning deprives the user of the system of choice.⁹ However, Dixon's assumption is that the signal from such system is "patent," or available, and that the competing signal is only a few decibels stronger. The Alliance's assumption is, that in an emergency situation the "choice" of the user would be to have the best signal available. Furthermore, a "patent" signal may still be weak and thready and a few decibels difference may make a significant difference in the ability of the PSAP to promptly and efficiently deal with the emergency.

RCA's opposition to selection of the strongest signal available for 911 calls is a variation of its earlier monetary argument. It states that it is unfair for the carrier that has the best system to be burdened with a disproportionate share of 911 calls.¹⁰ Again, there is little, if any, incremental cost to processing a 911 call and thus no real "burden" or "cost" in the sense of out of pocket expense.

No objection has been raised to the Alliance proposal that 911

⁹ Dixon may be confused and believe that the Alliance proposal would mean that all cell calls would be directed to the carrier with the strongest signal. This is not the case! Alliance wishes to emphasize that its proposal relates only to 911 calls and all other calls would be unaffected by the proposed rule change.

¹⁰ RCA Comments, Section B, pages 5 to 7.

calls should be accorded "prompt" service

RCA has no objection to that portion of the Alliance proposal that "cellular carriers promptly connect all 911 calls."¹¹ There was no opposition by other commentators to this proposal as well. At the present time, a cell phone is programmed to wait 5 seconds while its call is queued up behind other waiting calls. By moving the 911 call to the top of the queue it should be promptly handled and not dropped off as may presently happen in some densely populated areas.

Conclusion

These comments show that there is, in fact, blocking of 911 calls by some carriers. The comments of RCA are typical of the cell carriers and their trade associations who are eager to extract the most they can get from their free franchise to use the public's airwaves. Some cell carriers, GTE for example, do not seek to profit at the public's expense in times of emergency. Others do, and they have attempted to justify their avarice in this proceeding with tortured and tortuous contentions that blocking 911 calls is fair, beneficial and somehow in the public interest. 911 service benefits people who are injured, ill or in trouble, the emergency service providers and the public generally. There is a public service obligation that arises from the award of the use of billions of dollars of the public airwaves for free. It is

¹¹ RCA Comments, page 2.

respectfully submitted that public policy is and should be to require the full and open use of the public's airwaves to promote the savings of lives, reduction of the consequences of injuries and saving of time and money for the public at large. The rule change proposed by the Alliance is in furtherance of this objective.

Respectfully submitted,

Ad Hoc Alliance for Public Access to 911

By: 

Samuel A. Simon
Counsel for the Alliance
901 15th Street, NW
Washington, D.C. 20005
(202) 408-1400

February 2, 1996